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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,445	03/19/2004	Allen Samuels	1042-003	7152

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EXAMINER

FETSUGA, ROBERT M

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,445

Applicant(s)

SAMUELS, ALLEN

Examiner

Robert M. Fetsuga

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-23 and 33-37 is/are pending in the application.
4a) Of the above claim(s) 6,7,10-14,16-23 and 34-37 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,2,8,9,15 and 33 is/are rejected.
7) ☒ Claim(s) 4, 5 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

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1. Claims 13, 14 and 16-23 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 17, 2006.

Claims 6, 7, 10-12 and 34-37 are objected to as not encompassing the elected species of Fig. 4 where applicant states the contrary at pages 7-8 of the response filed August 24, 2006. Claim 6 now recites "markings" which feature(s) are associated with an alternate embodiment (par. 0019) and are not disclosed in elected Fig. 4. Claim 7 depends from claim 6. Claim 34 recites the same subject matter as that of claim 6. Claims 35 and 36 depend from claim 7. Claim 10 recites "a sanitary wipe dispenser, a storage unit..." which features are not disclosed in elected Fig. 4. Claim 37 depends from claim 10. Accordingly, claims 6, 7, 10-12 and 34-37 are additionally withdrawn from further consideration pursuant to 37 CFR 1.142(b).

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made:

3. Claims 1, 2, 8, 9 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glassberg and Wood.

The Glassberg reference discloses a hygiene device comprising: a flat (Fig. 9) toilet seat 28; a receptacle 30; an adhesive (covered by 32); a protective covering 32; and a hygiene station 20,38 including a support ring 24 having a visual orientation cue 50. Therefore, Glassberg teaches all claimed elements except for the provision of a visual orientation cue on the toilet seat.

Although the toilet seat of the Glassberg hygiene device does not include structure equivalent to the claimed visual orientation cue, attention is directed to the Wood reference which discloses an analogous hygiene device which further includes a toilet seat 5 having structure 10 equivalent to the claimed visual orientation cue. Therefore, in consideration of

Wood, it would have been obvious to one of ordinary skill in the hygiene device art to associate structure equivalent to the claimed visual orientation cue with the Glassberg toilet seat in order to facilitate handling (Wood, pg. 1 lns. 20-24). Re claim 2, lugs 10 in Wood can be considered "a pair of handles".

Applicant argues at pages 8-9 of the response filed August 24, 2006 the examiner has not indicated any motivation to combine the Glassberg and Wood references. The examiner can not agree, and notes such motivation is (and previously was) indicated in the paragraph next above. For clarity, the examiner has now added where such motivation is spelled out in Wood. Furthermore, the examiner agrees with applicant in that Glassberg clearly teaches proper positioning of the toilet seat relative to the hygiene station. Applicant argues at page 9 of the response Wood does not teach any alignment purpose for the lugs 10. The examiner can not agree, noting the disclosure in Woods at page 2, lines 3-7.

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glassberg and Wood as applied to claim 1 above, and further in view of Kunter et al.

Although the Glassberg hygiene device is not transparent, as claimed, attention is directed to the Kunter et al. (Kunter) reference which discloses an analogous hygiene device which

further is transparent (col. 1 lns. 35-37). Therefore, in consideration of Kunter, it would have been obvious to one of ordinary skill in the hygiene device art to associate transparency with the Glassberg hygiene device in order to facilitate visual inspection.

Applicant did not address this rejection in the response.

5. Applicant's remaining remarks have been fully considered and either have been previously addressed or are not deemed persuasive in view of the prior art as specifically applied in light of the level of skill in the pertinent art.

6. Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The grounds of rejection have been reconsidered in light of applicant's arguments, but are still deemed to be proper.

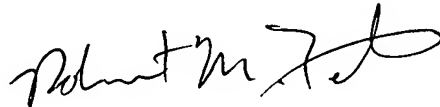
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened

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statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication should be directed to Robert M. Fetsuga at telephone number 571/272-4886 who can be most easily reached Monday through Thursday. The Office central fax number is 571/273-8300.

A handwritten signature in black ink, appearing to read 'Robert M. Fetsuga', is positioned above the printed name and title.

Robert M. Fetsuga
Primary Examiner
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